

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUSTIN THOMAS NOEL,

Defendant.

Hon. Phillip J. Green

Case No. 1:23-mj-00009

ORDER OF DETENTION

This matter is before the Court on a hearing to determine whether defendant shall be released on bond. Defendant has been charged in a Criminal Complaint. Count 1 charges him with exploitation of a child/production of child pornography, in violation of 18 U.S.C. § 2251(a); count 2 charges him with coercion and enticement, in violation of 18 U.S.C. § 2422(b); count 3 charges him with receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1); and count 4 charges him with possession of child pornography, in violation of 18 U.S.C. § 2252(a)(5)(B) and (b)(2). Given that defendant waived a preliminary on the record and the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The Court conducted a hearing on January 13, 2023, at which defendant was represented by counsel. Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted

the presumption of detention regarding risk of non-appearance. The Court also finds, as explained on the record, that defendant has not rebutted the presumption regarding danger to the community. Moreover, the Court finds, as explained on the record, that the government has sustained its burden of proving, by clear and convincing, that defendant is a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on January 13, 2023.

Date January 13, 2023

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge